

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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|--|---|-----------------------------------|
| <b>In re: BAYCOL PRODUCTS<br/>LIABILITY LITIGATION</b> | ) | <b>MDL No. 1431<br/>(MJD/SER)</b> |
|  | ) |                                   |
| <b>This document relates to all actions</b>            | ) | <b>Pretrial Order No. 166</b>     |

**Closure of MDL 1431 Fee and Cost Account (Common Benefit Fund)**

1. Because of an extended period of inactivity at a \$0.00 balance and because there are currently only two cases pending in this MDL, Defendants are authorized to close the MDL 1431 Fee and Cost Account (Common Benefit Fund) established by Pretrial Orders Nos. 25 and 53.

2. Should either of the two cases currently pending in this MDL, or any additional cases transferred to this MDL, result in a negotiated settlement or judgment, then Defendants shall holdback 6% of the aggregate of the amount being paid and the present value of any amounts to be paid in the future until: (1) the period for a challenge pursuant to PTO 78 has run, and (2) the Court determines, after a proper showing, whether any of those funds should be made available to provide for reimbursement of costs and payment of attorneys' fees to the PSC and other lawyers that the Court deems worthy of such payment and reimbursement for work performed for the common benefit of plaintiffs in MDL 1431 ("Common Benefit Attorneys"), but, in any event, for no longer than 180 days. Should the Common Benefit Attorneys decline to make a showing

or should the Court determine that some or none of the funds heldback be made available to Common Benefit Attorneys, then that portion shall be released to the appropriate plaintiff.

Dated: March 1, 2011

s/ Michael J. Davis  
Honorable Michael J. Davis  
United States District Court